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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/902,361

07/10/2001

Joseph M. Monteleone

18360/234447

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05/26/2006

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EXAMINER

SMITH, JEFFREY A

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/902,361

Applicant(s)

MONTELEONE ET AL.

Examiner

Jeffrey A. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-5,8,10-12,16-27,29,30,32,33,35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-5,8,10-12,16-27,29,30,32,33,35 and 36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/20/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 20, 2006 has been entered.

***Response to Amendment***

The response filed March 20, 2006 has been entered and considered.

Claims 2-5, 8, 10-12, 16-27, 29, 30, 32, 33, 35 and 36 are pending.

Claims 1, 6, 7, 9, 13-15, 28, 31, and 34 are canceled.

An action on the merits of claims 2-5, 8, 10-12, 16-27, 29, 30, 32, 33, 35 and 36 follows.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5, 8, 11, 12, 19-21, 25, 27, and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Southam (U.S. Patent No. 6,594,641 B1) in view of Pauly et al. (U.S. Patent No. 4,958,280) and Sharp (U.S. Patent No. 6,263,317 B1).

Southam discloses a method, system, and medium embodying a program for:

receiving a product order (col. 4, lines 22-44);

fulfilling at least a portion of the order (col. 3, line 56-col.4, line 3);

statusing the fulfillment of at least a portion of the order(col. 3, line 56-col.4, line 3);

and shipping the product order using shipping labels generated by statusing (col. 3, line 56-col.4, line 3).

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Upon shipping, billing information is provided to the order placing entity (col. 6, lines 20-29).

Southam does not disclose generation of the shipping labels in response to determining that an order fulfillment status indicates the product order has been partially or fully filled.

Pauly et al., in a similar method, system, and medium, teaches that a match of a packing slip bar code (which correspond to the actual fulfillment (see col. 14, lines 1-23)) and the individual packs' bar codes will result in a shipping label (col. 14, lines 38-44).

It would have been obvious to one of ordinary skill in the art to have provided the method, system and medium of Southam to have included the generation of the shipping labels in response to determining that an order fulfillment status indicates the product order has been partially or fully filled in order to allow for shipping of the order or partial order only upon verification that the order or partial order has actually been fulfilled (col. 14, lines 49-60).

The combination of Southam and Pauly et al. does not provide the provision of the order fulfillment status, via the communications network, to the entity that placed the product order.

Now comes Sharp et al.

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Sharp et al., in a similar method, system and medium teaches that order fulfillment status is provided, via a communications network, to an entity that placed a product order (col. 5, lines 14-17).

It would have been obvious to one of ordinary skill in the art to have provided the combined method, system and medium of Southam/Pauly et al. to have included the provision of fulfillment status, via the communications network, to an entity that placed the product order in order that the entity may verify order and shipping statuses (col. 5, lines 14-17).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Southam (U.S. Patent No. 6,594,641 B1) and Pauly et al. (U.S. Patent No. 4,958,280), as applied to claims

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34, 15, 25, and 28, and further in view of Kohler et al. (US 2002/0032668 A1)

The combination of Southam and Pauly et al. does not provide tracking.

Kohler et al. teaches tracking the progress of an order (pars. [0069-0070]).

It would have been obvious to one of ordinary skill in the art to have provided the combination of Southam and Pauly et al. to have included order tracking in order to have facilitated transactions between parties to ensure that the process works smoothly and intuitively (Kohler et al.: par. [0070]).

Claims 10, 22-24, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Southam (U.S. Patent No. 6,594,641 B1), Pauly et al. (U.S. Patent No. 4,958,280) and Sharp et al. (U.S. Patent No. 6,263,317 B1), as applied to claim 8, and further in view of Kohler et al. (US 2002/0032668 A1).

The combination Southam/Pauly et al./Sharp et al. does not provide tracking.

Kohler et al. teaches tracking the progress of an order (pars. [0069-0070]).

It would have been obvious to one of ordinary skill in the art to have provided the combination of Southam/Pauly et

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al./Sharp et al. to have included order tracking in order to have facilitated transactions between parties to ensure that the process works smoothly and intuitively (Kohler et al.: par. [0070])).

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lidow (U.S. Patent No. 7,003,474 B2) discloses a supply chain architecture which connects customers, suppliers, logistics providers, carriers, and financial institutions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Smith whose telephone number is (571) 272-6763. The examiner can normally be reached on M-F 6:30am-6:00pm.

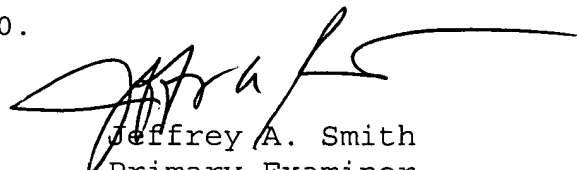
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert M. Pond can be



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reached on 571-272-6760. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeffrey A. Smith  
Primary Examiner  
Art Unit 3625

jas